

**MINUTES OF THE REGULAR SCHEDULED MEETING
OF THE EMERALD ISLE TOWN BOARD OF COMMISSIONERS
TUESDAY, JULY 11, 2000 – 7:00 P.M. – TOWN HALL**

Mayor Barbara Harris called the meeting to order at 7:00 PM. Present for the meeting were Mayor Harris, Commissioner Emily Farmer, Commissioner Jay Murphy, Commissioner John Wootten, Commissioner Emory Trainham, Commissioner Pat McElraft, Town Attorney Derek Taylor, Town Manager Pete Allen, Town Clerk Carolyn Custy, Police Chief Mark Wilson, Fire Chief William Walker, Inspections Department Director Carol Angus, Parks and Recreation Director Alesia Sanderson and Public Works Director Robert Conrad. Absent was Planning Board Chairman Roy Brownlow.

APPROVAL OF MINUTES

Approval of Minutes of Special Meeting of June 6, 2000

Commissioner Wootten made motion. Commissioner Trainham seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of June 6, 2000 as written.

Approval of Minutes of Regular Monthly Meeting of June 13, 2000

Commissioner Wootten moved, Commissioner Trainham seconded and the Board voted unanimously to approve the Minutes of the Regular Monthly Meeting of June 13, 2000 as written.

MAYOR'S COMMENTS

The only comment at this time is to ask you that when we do open for your comments, keep it to the agenda comments and then other comments that you may have or wish to make to this Board will be in under number 10. Otherwise, please stick to the agenda.

Under New Business, we have a presentation from a gentleman from out of town, Mr. Mark Wilde-Ramsing, of the Queen Anne's Revenge. Mr. Wilde-Ramsing is the project director of the Queen Ann's Revenge Shipwreck Fund.

PRESENTATION BY MARK WILDE-RAMSING, PROJECT DIRECTOR FOR QUEEN ANN'S REVENGE SHIPWRECK PROJECT.

Mr. Wilde-Ramsing has lived in Morehead City for three months, having moved up from Wilmington to direct the exciting project on the Queen Anne's Revenge, the boat that Blackbeard stole in 1717 and seven months later ceremoniously ran aground up the coast. Mr. Wilde-Ramsing has been in this business for 22 years, all over the state. To his knowledge, there's never been any treasure found anywhere else, but they certainly have a treasure out there now. Underwater archeologist experts from Texas, Florida, Maryland, and Virginia have looked at it, and they're very envious that we have quite a site; and it's causing quite a stir. Publicity has been coming worldwide. Yes, it is Queen Anne's Revenge, and yes, the research and documentation and display of the artifacts are going to be here in Carteret County, particularly if you keep a watchful eye and support what we're doing.

There are a lot of artifacts, and he encouraged us to go up to the Maritime Museum and see some of these—blunderbuss barrels, bottles, pewter plates. All these things date to the right time period, the late 1600s to the 18th century. They're pretty certain that it's the right wreck, but it's the cannons that make the case as far as they're concerned. There are 21 so far, and they expect there may be in the upper 20s. That's more heavily armed than any vessel that was floating at that time in the colonies. And Blackbeard supposedly had started with 16 and ended up with 40. The cannons are not uniform—there are two French, two English, and a Swedish gun of the five that were brought up. They're pretty certain that it is the wreck. The reason they're going to stay here and work is because they have a top-class museum to exhibit these things. They are now setting up a conservation laboratory at the Institute of Marine Sciences and are also partnering with Carteret Community College. The problem is that the hurricanes are not only affecting the state but they are affecting the site. The big blue area on the colored schematic is the scouring around the exposed wreckage and digging out of the site. They have a staff of five, all temporary people, and are in need of equipment. There are a lot of things that they are working toward but given the situation of needing to work on the site, they are asking for help. There are certainly ways the Town can help, by paying attention to the site, and encouraging funding for it from different levels. They also have programs where they are inviting money for interns, for equipment. Talk it up when people come into this area, take them up to Maritime Museum, and make them aware that this is going on and is going to be quite an attraction.

Commissioner Farmer asked if they are doing anything with the Carteret County Schools. **Mr. Wilde-Ramsing** replied that they are. They are going to be testing this fall, for the first time, a live transmission from the site, very similar to the Rachel Carson sanctuary, where basically they will have a camera on the bottom with the divers, and it will go up into the classrooms and an assembly of children can ask joint questions. They're very excited about that and expect it will go at least state-wide and on out. But it will be tested in this area first.

Mayor Harris asked who are the sponsors of the project. **Mr. Wilde-Ramsing** replied that they have a major sponsor in the Pricey-Harrison Foundation, a Greensboro foundation. Some of their members live here. They were asking specifically for money for these emergency dives that are taking place this year. They're getting help from the Wachovia Foundation. OmniSource gave generously. The local hardware store is giving equipment, the IGA giving food. And they are now pursuing larger foundation and government money, but that takes a while. The situation is that they have a year or so before things kick in, and they need to continually monitor this site, keep the geologists out there telling them what is going on, and then rescue artifacts. In May, they recovered a hull section about 4 planks, 10 frames, that was being scoured out and being threatened to be lost to currents and to marine growth. This has just been studied, they've had wood experts come in with endocrinologists and a couple of specialists from the state to identify where it's from. They can figure out about not only how old it is but also exactly where it grew in the world.

Mayor Harris asked if they have any idea what this project is going to end up costing. **Mr. Wilde-Ramsing** replied that there have been different estimates. They are looking at approximately \$500,000 a year during the excavation, and they're looking at three to five years. That would be on the order of \$2.5 million. It would cost another \$260,000 to continue the conservation, and that is really the most expensive part of this project. You spend a quarter of your time out in the field and then 75% hammering on these things and conserving them for display and storage. That can go on for 10 to 15 years, so every four years, that's \$1 million. **Mayor Harris** replied that's a long couple of years in the making. **Mr. Wilde-Ramsing** explained that they wanted to get out for two weeks this spring to bring up the timbers, but they got four days in. Weather, Mother Nature, is a problem. And they also want, and fully expect, that the museum in Beaufort will be able to construct a top-notch, wonderful, classy virtual reality exhibit hall.

Commissioner Trainham asked about the amount of risk they are looking at with regards to the oncoming onslaught of any hurricanes that would change the bottom that could cover up what they have or wash away what they have. **Mr. Wilde-Ramsing** replied that they would not be too upset if a layer of sand came in and covered up the site. A lot of beach-owners probably feel the same about their beach property. What they're hearing from the geologists is that the wreck is settled down pretty much on a hard pack as low as it's going to go; and because the inlet is stable and pretty far away, it's not going to get a lot of sand. One of the beauties of setting up this hypothetical proposed rig that they have with jack-up bars is not only that they can use it, but it can also be given to the marine tech program that will hopefully be started at Carteret Community College, and it will also give geologists and biologists a platform to see how sediment is moving. They are very much into sharing and partnering.

Commissioner McElraft had a question about the dredging in the inlet—does that impact the area at all? Is that preventing sand from covering up what you need covered up to protect it? **Mr. Wilde-Ramsing** replied that it does. He said he didn't want to point fingers, but the way the inlets work is that you have an inlet channel and then you have shoals that form on the other side, and as the inlet moves back and forth it covers up. They're far enough away that the shoals aren't forming, and there's actually another sort of a rip in current in there. So if that inlet is not allowed to move over, they're not going to get any sediment. The good thing is that what's happened several times in the course of the last 300 years is sometimes that inlet has passed over the site and that's the worst case scenario because it's actually digging and digging things down. And they think it's passed over several times. Out of the 280 some years that it's been since it was lost, they figure that 230 years of it, it was well covered up and at one time, you could actually walk out on the sandbar and stand over the site. It's in about 25 feet of water now. It sank in about 12 feet.

Mayor Harris thanked Mr. Wilde-Ramsing, and said that perhaps he would hear from the Board.

6. PUBLIC HEARING FOR THE PURPOSE OF TAKING COMMENT AND POSSIBLE ACTION ON AN AMENDMENT TO CHAPTER 19, SECTION 72 OF THE CODIFICATION RELATIVE TO NEON AND FLUORESCENT SIGNS.

Mayor Harris introduced this as ordinance 2000-7-11-02, an ordinance amending Section 19-72 of the Emerald Isle Building Ordinances, Chapter 19, Limiting Fluorescent Signs to "Open" Signs Only. She asked Commissioner Trainham to read the change, starting with the fourth sentence in the first paragraph.

Motion was made by Commissioner John Wootten to open the Public Hearing on the subject of this ordinance change. Commissioner Emory Trainham seconded and the Board voted unanimously for approval.

Ms. Lisa Meier does not live in Emerald Isle but does have a business in Emerald Isle—Lisa's Boutique. She commented that without the little neon signs, which are not big and obtrusive or anything else, (she doesn't know why neon is so ugly anyway to everybody) they do not have any way to display what they sell. She has a little sign for Lisa's Boutique. The shop sits off the road, and if she didn't have that, people wouldn't know she was there. She doesn't see any difference in having a big paper sign that says "Free Crabs." She questioned the reason for not wanting neon, to which Mayor Harris replied, "We'll discuss this after you finish." She mentioned a man who has a little ice cream cone in his window—it's cute, it lets people know he sells ice cream, otherwise people wouldn't know that. Little signs like "I sell bait" are necessary, otherwise people don't know it's there and if they don't see it, they're not going to come, and if they don't come, the money's not there, the small businesses go under, and Emerald Isle is no more. We'll have our residential areas, but people are not going to come here to shop. She hoped that the Board would

take into consideration the small businesses.

Ms. Tara Campbell, owner of A Cut Above, said she is grandfathered. She has two signs, one that says "Hair salon", the other "Open." She's on a corner, and when she bought the business, she had no sign on the side of the business, which runs all the way back. She was told she had to make her front sign smaller to put up one on the side. If she loses "Hair salon", nobody will know what the shop is. She understands that for some people, neon is very offensive. The Board has to watch, when they paint with a broad brush, for the little guys out there that aren't the big chains. She suggested that the Board study this on a case by case basis or try to figure a different way.

Mr. Ed Barber has had a lot on Emerald Isle for 20 years, a house for 10 years, recently opened a business and started this whole discussion by putting up the neon ice cream cone. It's hard for a small business to make it when they start out if they can't have a neon sign. He sells ice cream and thought it would be a good idea to put up the neon ice cream sign to let people know that's what they sell. There are a lot of small mom and pop businesses here on the beach, and it's hard for a small business to compete against the big businesses. Putting "Open" on the ice cream cone would have been an extra expense for him. He understands the intent of what the Board is trying to do but suggests they keep the small businesses in mind, as they do contribute to the community.

Mr. Greg Dennis, owner of The Reel Outdoors, has bait, tackle, and marine supplies. Without the neon signs, nobody would know what he has. He asked if the Board wants Wings and Eagles to take over the small businesses. If that's what the Board wants, take the "Open" signs out, because the small businesses aren't going to need them.

Mr. Mark Brennesholtz, resident at 9322 Ocean Drive, said there are a number of towns that have very successful shopping areas with small businesses that do not have neon signs, like Swansboro, the waterfront in Beaufort, and Hilton Head. Part of the ambiance of those communities is that there isn't a lot of that sort of outdoor advertising. They're very successful both to small retailers and in pulling in tourist dollars. If people want a Myrtle Beach look, they know where to go for that. He doesn't think that's what we want for Emerald Isle.

Ms. Mindy Sawyer, who works at The Reel Outdoors, argued that Swansboro doesn't have a Wings, a Pacific, or an Eagles. As far as she is concerned, neither does Hilton Head. They are very quaint little towns. When we got those big stores, we lost the quaintness of Emerald Isle. It's hard for the small businesses to compete with the big stores with big lightbulb signs in the front. She wishes Emerald Isle were like that type of community, but we aren't. To force them to take the small "Bait" sign out of the window would hurt their business.

Ms. Meier of Lisa's Boutique owner, addressed Mr. Brennesholtz's concern. Swansboro and Beaufort are little towns for walking. They have sidewalks, and people walk down them in front of all the little stores—you park one place and walk. Emerald Isle is not like that—you drive from place to place. People drive by at 45 mph in the traffic and don't see the little businesses unless there are signs.

Mr. Bill Reist, resident at 8520 Woodcliff Drive, had a question of the business people who are here. Do they already have their neon signs up? With a reply of "yes," he questioned whether this new ordinance would make them take their signs down. As a resident and taxpayer, one of his objections is Pacific, Wings, etc. because they're the ones who created the issue. But as he drives around town, he has noticed a proliferation of neon signs. The sign thing is getting out of control. He mentioned the new Citgo gas station with the over-abundance of signs—three signs that say

Citgo, a sign that gives the gas prices, another sign that says MasterCard, Visa, etc., a sign that says QuikMart. He had been under the impression they would have one or two signs. He hopes that will be addressed, too, not just the neon. If he had wanted Atlantic Beach, he would have moved to Atlantic Beach. He speaks for a lot of people who want to preserve Emerald Isle as it is, not a Las Vegas atmosphere.

Motion was made by Commissioner Emory Trainham to close the Public Hearing. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

Commissioner McElraft agrees that we need some work on the signs here in Emerald Isle. She thinks that we need to look at all the signs in Emerald Isle, not just the neon signs. Neon signs to her are not offensive. She thinks they're cute, some of them are much cuter than those orange and pink ones that are in some of those—she was not going to say the commercial word—but some of those Myrtle Beach-type town buildings. She did say that the most offensive building to her in this town is Pacific, and she did say them by name. And they are complying with this code. They are complying, they have no neon signs except for an "Open" sign, and they are the most offensive building to her out there. So if we want to eliminate those kinds of buildings, and she knows that's why the other board wrote this ordinance, then we've gone about it the wrong way. And she would like to see the business community work with the Planning Board and with this Board and come up with some sign ordinances that work for all of us, that will not cut the small business person out and will not be offensive to the residents. But if you're trying to get rid of the Pacifics with the neon sign ordinance, it hasn't done it.

Commissioner Wootten said if he was right, in looking at this ordinance change, we're changing one word. The ordinance now reads "Informational". It says unless it's an "informational" sign . . . We're replacing it with "Open." And this came about with the discussion with Mr. Barber and his ice cream cone of trying to clarify what informational meant. That's how this issue got started. So the problem was passed to the Planning Board several months ago to take a look at what does informational mean. During the Planning Board's meeting, the statement was made that the original intent of the ordinance was to read "Open." He thinks the rest of the Planning Board went along with that and came forward with this legislation to change "informational" to "Open." This ordinance came into effect January 13, 1998, by the previous Board. And when you research the minutes of that public hearing and you research the minutes of the two Planning Board meetings that led up to it, it's obvious to him, at least, that the intent was to have worded signs. There are lot of examples that were used in dialogue that gave different words that could be used. And it wasn't until this current thing that the meaning of that word informational came about. He thinks it's a proper role of a town government to decree or establish rules for locations of signs, sizes of signs, and in this case, that has been established by previous boards as two square feet per neon sign. If he's right, you can only have one neon sign if you're not grandfathered. But is it the role of the government to say what that sign should say. Is it the role of the government to say that it has to say "Open"? Park in the rear—what's wrong with that? That's informational. Free coffee—that's informational. Why should we restrict the businesses? He thinks some of the intent was to bring the subject up to avoid symbology in neon signs. He really thinks that's where this started, because we did not want to get into bizarre symbols—cocktail glasses or whatever. So he thinks the intent was to stay with worded signs, and he would encourage the Board to shelve this for now or change the ordinance right here to instead of saying "Open", saying "informational sign which must include words" or something to the effect that we're not going to get into symbolic. Either do that, or he would suggest we leave the ordinance alone. Saying "Open" only is too restrictive.

Commissioner McElraft said that the one thing that concerns her also, she knows there's the new

hotel that's going to be built and probably a couple others, and the word "Vacancy" she thinks would have to be in neon for people to know whether they need to be able to check in or not or just drive on by. So she agrees with John, she thinks that if we do leave it and work on the sign ordinance with the business community, she thinks we need to look at all the signs. But she thinks we definitely need to say "Vacancy" there.

Commissioner Farmer commented that she thinks it's interesting that so many people just clapped when Mr. Wootten said possibly leave the language the way it was, which still keeps in place all of your complaints that you had at the microphone. As the neon ordinance reads now, you may not have neon signs for anything but informational signs two feet square. That's all you're allowed. The only thing that we were changing was the word "informational" to "Open." The purpose of the ordinance was to get rid of all the neon, and frankly, she supports it. She would like to see us clean up the language, change informational to open, and those of you who have neon signs now, you are grandfathered.

Inspections Department Manager Carol Angus suggested that if we left it "informational" and let the department and the office make the decision of what is informational and what is advertising, she had no problem with doing it that way. She noticed the motel sign being on at Rusty Pelican the other day, and she thought that is an informational sign. Parking in the rear and those kinds of things need to catch the attention of whoever is driving by at 35 mph (not 45 mph). She thinks the "Open" is a little restrictive.

Commissioner Murphy said someone in the audience had a comment about if a neon sign is grandfathered and that neon sign burns out they have to get it fixed, it doesn't fall under the grandfather clause. **Ms. Angus** replied that once it goes down, it is no longer there. That's in everything, not just in neon signs, that's in anything, that once it goes down it has disappeared. **Commissioner Murphy** said if a billboard gets blown down in a hurricane, it doesn't go back up.

Commissioner Wootten said if there's a valid concern about signs and the size of neon signs, the locations of them, let's address it in that form. Let's not try to mask this issue into a simple word change from "informational" to "open." Let's come right out and deal with the whole issue of signs and see what the people want to do about that.

Commissioner Murphy had another question for Ms. Angus. In the past, before we got to this point of addressing the neon sign and the grandfather applied to somebody who has a neon sign and that sign burned out yesterday, according to the current ordinance that's in place now, are they still not allowed to fix it? Ms. Angus replied that they still couldn't come back. Commissioner Murphy said this Board is not making the decision on what's been grandfathered and whether you can put it back or not. That decision has already been made.

Ms. Angus asked if the Board was considering doing some review on all of Chapter 19. Instead of doing anything tonight, she asked that we start with Chapter 19, Section 130 Signs, start and look at it. If we redo the whole ordinance of signage, come up with something that's a little fairer and like was suggested, have some of the business personnel because she doesn't like to be the bad guy in all of this. She can understand what they're saying and she can understand what the residents are saying. She just thinks that rather than make an ordinance, have it put on the books, just to have us go through Chapter 19 in the next six months, just to change it again, doesn't make sense. Let's do it once and get it done right.

Commissioner Farmer verified that what Ms. Angus is suggesting is that we leave the ordinance

as it is, which says "informational," and Ms. Angus will distinguish between what's advertising and what's information. **Ms. Angus** replied if you would let me do that until such time as the ordinance was done. And she would still have to stand by, unfortunately, Mr. Barber's ice cream was advertising, it was not informational. That's the type of thing that is going to bring the issue.

Commissioner Murphy wanted to get in the same mindset as Ms. Angus. If it's a picture, it's advertising. If it's a word, it's informational. Is that the way you see it? **Ms. Angus** said not necessarily. He could put "ice cream" and she would consider that advertising. She's talking about informational as Watch your step, Parking in the rear, Open, Closed. Anything that has anything to do with advertising, she has to interpret it as advertising—there is no fine line. She has to draw a line.

Commissioner Farmer said we are having an ordinance workshop starting July 13 at 3:30 which is open to the public. We will be having a series of these to go through Chapter 19 and she guessed if you're happy, she would be willing to stay with the original ordinance language until we have the opportunity to go through the signage in that chapter.

Commissioner Trainham commented that maybe this is the time to shelve this for the time being and would like to make that as a motion.

Motion was made by Commissioner Emory Trainham that the present ordinance as it stands stay the same, that we table it until such further discussion and further developments can take place for Chapter 19 codifications. Commissioner Pat McElraft seconded.

Mr. Derek Taylor, Town Attorney, said as a matter of procedure, what you're doing is tabling something and this means this will be back in front of you again to turn it up or turn it down. This specific issue will be back in front of you. You may have something else coming to you in a different form. So you may be looking at two things. This specific ordinance, if you vote to table it, it will be back in front of you again.

Commissioner Farmer said then she didn't think we want to table it. She thinks we want to vote it down. We'll keep the language of the old ordinance as informational and discuss this at the workshop. We vote against the ordinance.

Commissioner Trainham withdrew his motion.

Motion was made by Commissioner Emory Trainham that no change be made to the ordinance to Section 19-72 at this time. Commissioner Emily Farmer seconded and the Board voted unanimously for approval.

Mayor Harris made a statement to the audience that they are in a unique situation here. They have heard the Board two times on this, it's all done in front of you, to disagree, agree, then come together. It's really a unique situation that they're sitting out there and learn how this Board operates.

7. OLD BUSINESS.

- a. DISCUSSION AND POSSIBLE ACTION ON A PROPOSED AMENDMENT TO CHAPTER 6, SECTION 6.54.1 OF THE CODIFICATION RELATIVE TO FEES,

FINES, PENALTIES AND CONSEQUENCES IF TOWN POLICY IS NOT FOLLOWED AND PERMITS NOT OBTAINED.

Commissioner Farmer said we did have a public hearing on this at the June meeting. The vote was 3-2, which was not enough to carry.

Mayor Harris explained that changes were made. Under building permits, the word "repair" was changed to "remodeling, addition to". **Commissioner Farmer** asked that Mayor Harris read the changes. **Mayor Harris** read the section and said it should read "civil" rather than "criminal."

Commissioner Wootten said it's fair to summarize all that by saying that the changes made there was to take the repair spectrum out of this ordinance. There is one word deleted, and it's "repair". The intent of the ordinance as we heard from the public last time was to establish fees and penalties for major construction when it was not done properly, it would be covered by the fines and penalties of this ordinance. The repair issue has been taken out of this ordinance. He thinks that's an accurate statement.

Mr. Taylor said it takes it out of this ordinance for the penalty. It has not thus far taken it out of the need to get a permit.

Commissioner Wootten said that's two separate subjects. One subject is what do you need to get a permit for or not, and we're not addressing that tonight. What this is addressing is what penalties and fines apply if people don't follow the rules in terms of permits.

Mayor Harris commented that under number 5, Failure to Comply with Permit Requirements, there's one other change. She then read the item.

Commissioner Wootten said he thinks this is a much better package than we laid out last month and he thinks it reflects the input that we did get, which was somewhat heated last month for those of you who remember. As he said last month, he was concerned about how fast this was being done, not the content of it. Now he is satisfied with the speed of the process and the content of the ordinance.

Mayor Harris mentioned the ordinance number, Ordinance 2000-7-11-01 adding Section 6.54.1 to Chapter 6

Motion was made by Commissioner Jay Murphy to adopt Ordinance 2000-7-11-01 as written. Commissioner Emily Farmer seconded and the Board voted unanimously for approval.

b. **DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT TO CHAPTER 19, SECTIONS 101, 102, 103 AND 104 OF THE CODIFICATION RELATIVE TO SWIMMING POOLS IN AEC ZONES.**

Mayor Harris commented that the public hearing was held on May 8, 2000. For the audience, Section 101 is the same thing, all four have to be changed to catch everything. Therefore 101 means Residential 1, Residential 2, Residential Multi-family; 102 is Residential/Motel/Hotel; 103 is Mobile Homes; 104, which we really do not have, is Mobile Homes 2. We have to change all sections to read the same thing.

Commissioner McElraft said this is one she voted against last time. She voted against it because she is against taking people's personal rights away unless there is a reason for it. And the reason that it was on Carol's wish list to begin with was because the debris from one of the pools after the hurricane had broken up and had to be cleaned off the beach. And she did say that Mr. Farrington and that group did clean those off. But she also is concerned about that, but then she talked to several pool people and she talked to Jimmy in the Inspections Department to find out about fiberglass pools. And what she would like to see is our allowing fiberglass pools. That does not take people's rights away, they will be prevented in some situations—Jimmy will have to come out and tell them exactly in the topo where they can set them—they cannot be dug or filled into the ground, there can be no concrete around them in the plan that she has, and she also would like to see the wood decking around it be included in the 500 sq. ft., which it would have to be—the maximum treated wood they can put out there. She has had several calls from real estate offices saying that there are several houses that have pools that generate \$100,000 a year, which is a lot of taxes for Emerald Isle taxpayers. Unless it's really going to be a hazard for the environment or for us as taxpayers (picking up debris, that kind of thing), she really feels that we should not take away people's personal rights to have a swimming pool, and the fiberglass pool will keep us from doing that.

Commissioner Trainham made the comment that as long as the ocean erodable setback area is observed, he has no problem with the business of putting in a swimming pool. He agrees that it would be better that it not be concrete because eventually, the ocean may take it over. But at least for the present time if we would maintain the ocean erodable setback and if this can be done, he would be in favor of the ordinance.

Commissioner Farmer commented to Commissioner Trainham: The way the ordinance reads is that they would be allowed in the ocean erodable AEC.

Mayor Harris mentioned that the erosion on the ocean—CAMA says this is the line. You must come 60 feet back, so if you want to put a pool within that 60 feet, it is in the erosion area. We need something to protect that if that is the way you understand it.

Commissioner Farmer read what the CAMA regulation says about the ocean erodable area: "This is the area in which there exists the substantial possibility of excessive erosion and significant shoreline fluctuation." So basically what's there today is not necessarily there tomorrow. For that reason, CAMA does not allow houses in that area. It has fudged a little bit under pressure and said pools aren't really structures, so the state will allow swimming pools in this area. However, to all intents and purposes, in a severe storm, when waves go into that area, suddenly the side of that pool becomes a hardened structure and it is, in fact, a seawall. And as we all know, North Carolina does not allow seawalls. The reason is that when waves hit the side of the seawall, or in this case the pool, they deflect back, causing more erosion. Furthermore, the wall being there ends up redirecting the waves around it onto neighboring properties. She just doesn't feel that we need additional erosion on our beachfront. We are not saying in this ordinance that you cannot have a swimming pool on oceanfront property. What we are saying is that you can't have a swimming pool in the ocean erodable area, where other structures are not allowed. She supports that.

Commissioner McElraft responded that CAMA, who is supposed to be our guide in this, has said that pools are allowed in there, and until CAMA, who is supposed to be our guide in environmental concerns for the oceanfront, change that, which they may do in 2001—she talked with Carol about this—she thinks Emerald Isle is putting itself in jeopardy of

lawsuits. She really hates to see taxpayers have to foot the bills for that. What she would like to do is see if we can wait on CAMA to do their thing and just allow only those that would float if they got washed out and not cause debris. She has talked to several people who have seen fiberglass pools in other areas that during erosion have washed into the ocean but then they end up, like at the point, in one piece, like a boat floating around out there.

Commissioner Farmer said regulations that are CAMA are set by the Coastal Resources Commission. The Coastal Resources Commission is in fact studying changing that because they have had trouble with swimming pools on the oceanfront. She read what FEMA has to say about swimming pools in this area: "Community officials must be assured by the design professional that a pool beneath or near a v-zone building, which is this ocean erodable area, will not be subject to breaking up or floating out of the ground during a coastal flood and will therefore not increase the damage potential to the foundation and elevated portion of any nearby building."

Commissioner McElraft talked to Jimmy Taylor about that, and he said that in a lot of cases he can prevent people from putting pools in with that FEMA reg. She thinks we need to use FEMA and CAMA as our guide and let them do their job and not let Emerald Isle get into lawsuits over this by going above their regulations.

Commissioner Farmer said she hated to make this a two-way conversation. She meant to add earlier that CAMA regulations are the absolute minimum for coastal management and towns are well within legal rights to go beyond those minimums. That doesn't mean you can't be sued—you can be sued for anything—but you can also defend yourself.

Commissioner Wootten said when this came up a couple of months ago, he voted for it because he was concerned, as the Inspections Department didn't indicate about concrete slabs falling down to the beach that the issue of the pool becoming a seawall; but as we've gotten more and more into this, he's bothered by the fact that the Coastal Resources Commission is the one that ought to be dealing with this subject up and down the state. On the other side of the equation is the 5th amendment right to the use of private property. He's not too inclined to take away somebody's ability to use his property if he doesn't have a higher authority standing behind him in terms of town ordinances. He thinks that the idea of the fiberglass pool is a good compromise. His understanding of a fiberglass pool is that it does not get dug down into the dune like a cement pool would—it's got to be placed in a hollow. It would require wood decking around it, and he thinks it would mitigate a lot of the original concerns of the Inspections Department in terms of the use of a pool. So given the fact that we don't have good state authority behind us on this one and that there is a compromise situation, he thinks we ought to seriously compromise on fiberglass pools.

Commissioner Murphy questioned the ocean erodable setback area being part of the private property that the property owner owns, which is correct. Commissioner Farmer said the property almost always extends beyond that as part of their parcel.

Motion was made by Commissioner Emily Farmer to approved the ordinance as written. Commissioner Emory Trainham seconded. Voting in favor was Commissioner Farmer and Commissioner Trainham. Opposed was Commisisoner McElraft, Commissioner Wootten, Commissioner Murphy. Motion failed.

Mr. Taylor recommended that if the Board was going to go forward with the idea of a fiberglass pool, he has no problem with it, but he has a problem with what a fiberglass pool is. We need further definition. If we're going to say something is allowed, we need to define what that's going to be. He recommends some process, be it through the Planning Board or whatever input you do for the Inspection Department, we need a better definition or he could see putting in a concrete pool with some sort of fiberglass liner and that's a fiberglass pool. We all have an idea what it is, but we need to make it clear so the public understands what is allowed and what is not allowed.

Motion was made by Commissioner Pat McElraft to send the ordinance back to the Planning Board to distinguish and define a fiberglass pool. Commissioner Jay Murphy seconded. Voting yes were Commissioner Murphy, Commissioner Trainham, Commissioner Wootten and Commissioner McElraft. Commissioner Farmer voted no. Motion carried.

c. **DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION OF INTENT TO PROCEED WITH STAGGERED TERMS WITH A PROPOSED REFERENDUM ON THE NOVEMBER 2000 GENERAL ELECTION BALLOT.**

Commissioner Wootten addressed this. This resolution in front of us tonight basically approves the issue of staggered terms going to a public decision in the November election, which he reminded is a presidential election. Mr. Taylor, the lawyer, has laid out the process that we have to follow in order to get the decision to the people, and that would be to pass a resolution here tonight so that it can get onto the ballot. The next step is a public hearing on the issue possibly passing a change to the charter that would be subject to approval by the people in the November election—two steps leading up to the issue whether this issue will be on the ballot in the November election. That's the question in front of the Board tonight. Those of you who are not aware of this, the idea would be that we would change the charter to have the Board of Commissioners have four-year terms. It would be effective with the next Board elected in 2001. The top three vote-getters have a four-year term, the bottom two vote-getters have a two-year term so that in 2003, the Town would re-elect two Board members and then in 2005, they would elect three Board members. That would get the staggered term and the rollover of the Board. That's the scheme. Then the question is, should this go to the people to decide?

Harry Wigmore said this is like most of the other local governments are under at the present time. It makes excellent sense that we have a staggered Board so we have continuation and not just a complete sweep all the time. When you get a whole new group in here things have to start all over again. This way there's continuity what goes on in the town and holds the town together just like it holds our federal government whether you like it or not. It should be put to the people for a vote.

Lee Lipsitz, resident of 11007 Inlet Drive, said he had spoken a while ago that our worst fears had been realized. The newly elected mayor and commissioners had decided to play town, taking over the responsibility of the town manager and all heads of departments and managing the news of the town. The results were almost chaotic, and local newspapers were very critical. Time has cured a lot of these problems. There are now decisions based on split votes, Emily is smiling, the Town Attorney is sitting up, we've been very lucky that we have an excellent town manager and a very professional board of heads of departments. He was saying all this just to indicate his being in favor of this. He would hate to see the situation occur again at a future election. He thinks that the voters will tell exactly how they

feel about it. He also said he was on the committee on beach driving, and he urge the Board to take the recommendations of that committee because the group worked very hard and performed a valuable service.

Gus Farmakidis, resident of 322 Loblolly Street, has one question—why four years? Why not two? Four years without any pay is a long time to serve. He's really in favor of staggered terms. This is the 79th meeting he'd been to, and he saw the other board here. There were some excellent members on that Board, extremely good people. They all walked out the door. Some of their expertise could have been used. And, take Pete. He has disagreed with Pete from day one. He does not subscribe to his philosophy, but the man is an excellent administrator. He doesn't think a new Board coming in should have the right or the power to get rid of him. A new Board can tend to sweep everything out, and that's wrong. He continued by discussing staggered for Congress.

Ten-minute break.

Commissioner Wootten said the issue here tonight is that the town charter be amended to provide for staggered terms. The real issue here tonight is should this decision be made by the people in the town. He thinks it's a legitimate question to be asked of the voters. It's a legitimate question because given some of the divisiveness and the volatility of politics in this town, people are open to looking at potential solutions to that. There are strong indications that in other towns—all of the towns in the county with the exception of Atlantic Beach—have four-year staggered terms, and they make it work. Even Havelock has four-year staggered terms, and they make it work. Our own Planning Board and Board of Adjustments are four-year staggered terms. There's enough evidence to indicate that it is a legitimate question to ask of the voters. There are pros and cons to this, but he didn't go into them because this isn't the forum for it. The forum for the pros and cons is in the public forum leading up to the election. What the individual commissioners think of this one way or the other is not important at this stage of the game. Is it worthy to take to the voters to get a decision? We have a perfect opportunity to do it. We have a presidential election coming up so we'll have a good turnout. Reading the newspapers, we may even have a referendum on debt for the county if you listen to the county manager. It's a perfect opportunity to put an issue that's local to the town on a wide spectrum so we get a good response and get a full-blown answer to the question. And at no significant additional cost of doing this. The town now pays somewhere between \$1,500 and \$2,000 a year to the Board of Elections to conduct an election here no matter what the subject is. That's to pay people to come and print the ballot. This issue might have an additional cost of about \$200 to print the ballots—paper ballots, he guesses—that are unique to Emerald Isle. So no cost in asking the question. Reading this resolution that is in front of us, Mr. Taylor, he agreed with this thing when he read it a couple of months ago. But the resolution says that the Town Council of Emerald Isle had determined, this Board has determined, that it's in the best interest of the citizens of Emerald Isle to change the town charter. That's not really the question. The resolution really should read that the Town Council has determined that it is in the best interest of the citizens of Emerald Isle to allow them to decide whether staggered terms are appropriate or not. We may want to modify this resolution to reflect that. He would ask the Board members as they consider this, he sees a parallel to this decision to the decision that they made back in January supporting the resolution for beach renourishment. There was a lot of whether that should go to the vote of the county-wide thing or not, whether the town was going to support that. He sees a great parallel with that here. At that time, our individual beliefs about beach renourishment did not stand in the way of bringing the issue to the voters. He asked the Board to approach this the same way.

Commissioner Farmer commented that as she said at the last Board meeting, she agrees that continuity on the Board is very important. However, she thinks that the last election was a really quite unusual. It's not the rule that the incumbents all choose not to run again. There was plenty of opportunity to have continuity had they chosen to run. She is concerned that four years is quite a commitment that's being asked of the residents here. So many people here are retired and have very busy lives that make it difficult to make a long-term commitment like that. She also thinks that two-year terms give the voters every two years a say in whether they're pleased with the way the government in Emerald Isle is going or whether they feel a change is important. And she would hate to take that away from the voters. Finally, the one thing she did not hear out of all the things that she heard during the election was complaints from the voters that they didn't get to hang onto their elected officials long enough. There's something about being an elected official that somehow doesn't make us real popular. This discussion of staggered terms came from the Board. It did not come from the public, and she feels that if the public feels strongly enough about this, if this is something that they really want (and frankly she still has yet to hear that from people) that they express that desire by getting together a petition. She would have no problem and doesn't think this Board would with having the petition in the Board room for Board meetings, having displayed at the Town Hall for people to sign up. She thinks you need 10% of the voting populace of registered voters, maybe 150 people, and let the public bring it back to the Board indicating whether they are interested or not. Her biggest concern is that she thinks it will be very difficult to find people who are willing to make a four-year commitment.

Commissioner McElraft said she would not give her opinion on whether she thinks we should have four-year terms or not, but she did hear from the public tonight. She heard from three people for and none against, and she thinks we need to hear from all the citizens, to let them make the decision. And for \$200, it's going to be the best \$200 we ever spent. And it will be a final decision at that time and then the people will have decided, not the Board.

Commissioner Trainham asked a question. By getting a petition will that in any way delay or endanger the referendum? Have we got time enough to do this?

Mayor Harris replied that this meeting is to pass a resolution of intent. Then the referendum has to be adopted as ordinance in August. **Mr. Pete Allen, Town Manager**, clarified that this will hold a public hearing at the August meeting. Then we will immediately have to notify the Board of Elections to give them time to print the ballots and put it on the general election, which he believes is November 7 this year.

Commissioner Wootten said he was trying to distinguish the difference between a petition and an action to bring it to the people. The responsibility of this Board, which he would see as a leadership role, is the action to bring the decision to the public. The easier path is the one we're going right now in terms of the resolution and putting it on the ballot. Simply done! A petition would take a leadership role of some sort and that gets murky. Normally you get petitions when people are drastically upset about something, and I don't think this is a divisive issue. He thinks the question being asked is there a better way of doing it. He doesn't think there's nothing absolutely wrong with the two-year terms right now that would get people upset enough to say let's not continue this and rise in a petition mode. The question is, Can we do better? He really didn't want to go into the pros and cons because this isn't the place. But other communities in this area have the four-year staggered terms and seem to do very well. He doesn't know whether changing the resolution would help anybody on the Board vote for it or not, but the resolution should reflect a decision to take it

to the people or not.

Mayor Harris said all she knew was the public hearing must be held within the 45 days if we should pass the intent resolution.

Commissioner Wootten said it's on a tight schedule to make this happen.

Commissioner Farmer said it doesn't have to be at the November election.

Commissioner Wootten said it's a grand opportunity with the maximum amount of turnovers. It's an ideal democratic time to ask the question. And it's the best way to ask the question.

Commissioner McElraft said if we waited for the next year, it's during the election time so you're asking the people these people are being elected, are they going to be on for four years or not.

Commissioner Farmer said you could have a referendum anytime. Commissioner McElraft replied that it would cost a lot, it would cost \$1,500 rather than the \$200. It's a good point of saving taxpayer money and let's let them decide.

Commissioner Wootten said the reason we're doing it now is to not politicize this thing so that it's done for the next Board. The closer we get to the 2001 election, the tougher it is. People will be looking at it as a political move of some sort. We do it now, the people say yes, the people say no, and we move on.

Mayor Harris said this does not change, that there will still be five commissioners that you'll be making the decision about. The mayor is not included.

Motion was made by Commissioner John Wootten to pass the resolution amended as follows: WHEREAS the Town Council of the Town of Emerald Isle has determined that it is in the best interest of the citizens of Emerald Isle to enable them to decide whether or not to change the Town Charter to provide for staggered four year terms for the Town Commissioners. Commissioner Pat McElraft seconded and the motion passed with a vote of 4 yes, and 1 opposed. Commisisoner Farmer voted No.

d. DISCUSSION AND POSSIBLE APPROVAL OF CHANGES TO THE TOWN'S CURRENT BEACH VEHICLE DRIVING POLICY.

Commissioner Wootten mentioned that on May 9, 2000 the committee on driving on the beach made a presentation to the town Board reporting the results of the survey taken on this issue from all property owners. Part of that presentation of May 9, which he was not going to go into unless somebody wants to, ended up in recommendations by the committee to the Board for actions that should be taken. You have the entire presentation. One page of that is the recommendation. He thinks the appropriate action is to go over those recommendations again very quickly and then he doesn't know how you want to proceed: whether you want to take them one at a time or package or whatever. You can think on that if you want for a minute. He went through the recommendations as they were presented on May 9. On the subject of beach access, the committee, based on the survey, said don't limit

who uses the beach, who drives on the beach. In terms of fees, the survey was very clear that the property owners of Emerald Isle did not want to change the fee for driving on the beach. The committee did recommend that we increase the fee for other drivers. Non-Emerald Isle property owners would pay a higher fee to drive on the beach. And those of you who were here at the time of this presentation that was suggested because the Town was in a deficit position in terms of revenue received off the decals and the expenses to be incurred of enforcing and maintaining the ramps, etc. The recommendation at that time was to increase the fee for non-Emerald Isle taxpayers to \$80, \$40 at age 65, \$0 at age 70. The other major recommendation concerned the driving period was to shorten or modify the driving period from the first of October to 30 March or Easter weekend. When would that be? The Friday before Easter? If Easter came first. Derek Taylor mentioned Thursday, depending on whether it's inclusive or exclusive. Thursday would probably be the last day. And the other recommendation of the committee was to change the daylight hours only. As you know, right now the beach is open to drivers from 4:00 A.M. to 10:00 P.M. The Board recommends shortening that to daylight hours only. Another recommendation was to automate the decal approval and issuing process so that in fact we could obtain more information in the future about who is driving on the beach and how the beach is being used and if the Board accepts the recommendation to charge higher fees for non-taxpayers, there would be the need to match against the tax records as well, all of which lends itself to computerization of the process. And finally, the recommendation in that area was to move the decal-issuing process from the police station to Town Hall. That is currently being done by the dispatchers over there at the police station as best they can, and the Board looked into that to make the recommendation to move it out of the police station. Another recommendation was unique decals for senior citizens. Senior citizens will be paying half price, ages 70 and over paying nothing for the decal, and the committee felt that it was only proper that the senior citizen who is getting the benefit of the price break should be in the vehicle at the time it is being driven on the beach—not necessarily driving, but in the vehicle. And then finally, another recommendation was to improve the enforcement in terms of conducting ramp traffic checks at peak times to be sure only people who have decals are down there, provide the officers the decal registration data as they're patrolling on the beach so that they can in fact match the vehicle to the decal of who should be driving it, etc., automation brings that into play, too. That's not able to be done right now. And then to make beach enforcement a high priority within the police department during peak periods or all times. The census of the committee at the time was that driving on the beach just doesn't get a high enough priority when other things start happening in the town. And finally the request of the chief of police to adjust the resources of driving on the beach for high usage period. At other times he has to have more assets down there on the beach than at other times. Finally, the last recommendation is to provide an additional ramp access in the west end of town. There's one right now at the east end of town, the one here in Black Skimmer, but there is no access to the beach west of Black Skimmer all the way out to the point. And the committee felt that if we had another ramp in that area, it would diversify, it would spread out the crowd. In terms of voting, some of these recommendations are covered in the town code. Driving period and driving hours are carried in the town code, so we'll have to agree to make some recommendation, whatever your desires are. The others are administrative issues, so he is not sure he knows how you want to proceed in bringing this to a decision.

Mayor Harris said she would like to open it now to the public for their comments. She was sure we all have comments to make and questions to ask.

Commissioner Wootten said and by the way, most of the committee members are here

tonight, so they'll be able to answer all your questions.

Mayor Harris said again she would like to open it to the public. Under this discussion and changes to the codes, only Chapter 19 requires now a public hearing, so there will not be a public hearing on this, does this Board choose to change the game. So if you have a comment to make this evening, now is the time to do it. She opened it up to the citizens.

Mr. Gordon McAdams, resident of 325 Loblolly Street, said he had already come before us one time and told us how he felt back in May. He was one of the ones who is happy with the way it is. He is especially against closing the season for September. There are three prime months for fishing here—September, October, and November. And you're taking away one of those months. In September there are a lot of people who come here to fish, there are a lot of local businesses that derive income from those people, and September is an enjoyable month to be on the beach and fish. He is opposed to that. The other thing that he's especially opposed to is the daylight change. For instance, he fished in a fishing tournament this past weekend, the only one he fished in, that actually starts at sunrise, which was 6:01 in the morning. You can actually see at 5:20, and for those of us who trout fish on the beach in November, we want to be out there fishing by sunrise. It's a good 30 minutes before that, so there needs to be some adjustment in that.

Commissioner Wootten said he was not totally accurate. The presentation that was made to the Board by the committee said 30 minutes before sunrise and 30 minutes after sunset. He thinks there was some recognition of the fishermen needing to be down there at or before first light.

Commissioner Farmer asked about night fishing. Didn't Mr. McAdams say something about that when you made the comment before? **Mr. McAdams** replied that there are a number of people who still fish for drum up toward the point area at night. He doesn't do it, but there are a lot of people who do, and it is important to those people who do it. Others could probably speak to that.

Commissioner Murphy asked if we did use September, it would take effect possibly after Labor Day the same way as it is in effect now. And that would give them those three weeks or 20 days of fishing in the September months.

Mr. Bill Reist said he had the question of why not allow fishermen to fish at night. What is the reason people object to that? Commissioner Wootten said he didn't think anybody on the committee had any problem with fishermen. It was with the joy-riders. And it was with the joy-riders at night that were causing the problems with the headlights.

Mayor Harris asked the police chief how many violations tickets have you given at night for joy-riders that you actually caught. Chief Wilson replied "None."

Commissioner Farmer asked if that's not considered a problem. **Chief Wilson** replied that there are joy-riders out at night. He asked Mayor Harris if she meant people who were out joy-riding at night. She said when you say joy-riders, has anyone been caught joy-riding? Chief Wilson said it isn't against the law to joy-ride. If you mean how many have been charged with careless or reckless driving joy-riding at night, to his knowledge none.

Commissioner Murphy asked how many complaints they've had for joy-riding at night from residents on the ocean. Chief Wilson said to his knowledge none.

Mr. Reist continued and said the question he would raise is why, if you don't have a problem and there's no real complaints about it, why not let fishermen have a little bit more leeway in night fishing.

Commissioner Wootten said the answer to that question is that based on the survey, it was a clear indication from the survey that people wanted to restrict the hours to daylight hours. That was not a committee decision, that came jumping right out of the numbers. And then in terms of the night-time driving, joyriding per se, that was a major complaint of people.

Commissioner Farmer said the survey results said 708 survey respondents said it should be limited to daylight hours and the next highest category was 259 who said that it should be left as is. There must have been 708 people who thought there was a problem.

Mr. Lee Lipsitz, a resident, said he'd sort of like to answer Mr. McAdams about September. The number one industry you have around here is tourism. September and May have become much larger, much more important to us as far as tourism is concerned. Years ago, when we did have a ramp down at the end of Inlet Drive, a person could not go swimming down at the beach there during the month of September. It was just impossible because it was wall-to-wall cars with fishermen. The survey indicates the results and not just the few comments that were made here vocally and not even what the police chief has to say. The survey tells the story.

Mr. Harry Wigmore said when folks like him (he walks slowly and with a cane?) go out on the beach it's hard to duck automobiles, particularly at night. He has a daughter-in-law who loves to run the beaches, and at night-time it has gotten to be a hazardous place. A lot of people in their neighborhood go down and run the beach at night with vehicles on the beach at night. He used to go fishing all the time, and he never thought to drive on the cotton-pickin' beach to go fishing. He doesn't even drive on the beach now, and he can hardly walk. But he can go down a ramp if somebody's kind enough to put down a ramp, then he can stumble down the beach a way. If somebody like him can make it on the beach, why do you have to have automobiles out there then. September, even into October, the beach is full of people, and this winter he sat on the beach day after day because he was on the committee. He speaks for himself, but he asked a lot of people during the winter what they thought about it, and one day he talked to 30-some people and 27 of them were from Canada, and they said, "What in the world are you doing letting people drive on your beach?" Please pass the ordinance to this.

Mr. Pete Leo, resident of 5416 Cedar Tree Lane, agrees with Mr. McAdams as far as terminating in September. There's an awful lot of good fall fishing in September and October and November. He doesn't fish at night, so he could care less. As far as vehicles on the beach, he wishes he had brought a picture he had taken last month. He took a picture up on Hawaii where not only 4WD vehicles but regular vehicles are sitting up lined up on the beach in Hawaii. And it's right there by the pier that some of the South Pacific scenes were taken at. And the vehicles were all lined up along the beach, and they were not 4WD vehicles. So we can't say we're the only ones who allow them. He likes to fish, and one of these days, he won't be able to get my gear down the ramp and over on the beach. He agrees that there shouldn't be any joyriding on the beach, and if he ever sees people joyriding on the beach, he'll be the first one to reprimand them or report them because joyriding has no place on the beach. He remembers a while back, several years ago, when he was on the Board, Mr. Allen called two commissioners and said there were some people joyriding on the beach. Two of us went down there, looked up and down the beach, couldn't

see a soul or a vehicle on the beach, so he thinks maybe some of these complaints are not legitimate. He's in favor of leaving the ordinance the way it is.

Mr. Greg Dennis, owner of The Reel Outdoors, said he thinks we should leave it just the way it is. September is a real important month for them, they have a lot of guys who come down here to fish. They bring their wives down, they shop for us, they go around to all the shops. As far as getting another landing, he thinks we need another one on the west end of the beach. A lot of guys can't get to the beach. People don't have a place to go down and park on the beach. We've got public accesses around, but not enough. It's important to everybody. All the other towns and communities drive up and down the beach—why can't we do it. He thinks we should leave it just the way it is.

Ms. Diane Schools, resident of 106 Indigo Drive, said the survey was very well received. Plenty of people turned the surveys in, more than they ever anticipated. We took exactly what the people in your town said. About the September driving on the beach, the same people that come to fish also have very small children who run around on the beach. She has seen over and over again, she doesn't know whether they're fishermen or joy-riders, but they aren't watching out for children. And children sure aren't looking out for cars on the beach in September. The rates are lower then, families with small children that are not in school, can come then. We are one of the few towns left in the state that allow driving on the beach. Most of them have eliminated it. We have the facts, every single statistic for North Carolina and even other towns, and they're slowly eliminating driving on the beach.

Mayor Harris asked if that was what Ms. Schools was after. Ms. Schools replied that she just wants to do what the survey results show, and that's what Commissioner Wootten presented.

Commissioner McElraft said she had seen the survey and most of the Emerald Isle residents did speak. Thirty-nine % did not want any change at all, and 61% wanted either no driving or some change. She knew it was a polarized issue from the very beginning. She heard from both sides during the election. The committee did a super job, and the only thing she had a problem with and then resolved that problem, was charging the people who are not taxpayers double the fee. She had a problem with that because during the beach renourishment thing we were trying to encourage people to come to the beach and trying to now charge them a double fee wouldn't look good if we ever had to get their support again for beach nourishment. But then that was resolved with John explaining to her that that charge is to take care of the extra police protection on the beach and it was charges that we as taxpayers incur. So she would not want to short Emerald Isle taxpayers either, so she does agree with the recommendation.

Commissioner Farmer said they had talked about automating the process and taking out the police department and thinks that is a great idea. She doesn't know about the mail-in portion. **Commissioner Wootten** explained that the committee was concerned about fishermen and other people who come down on the weekend who might not be able to get a pass, a decal, issued to them over the weekend or after hours. The recommendation for the administrative change was the Town Manager has already arranged to send out letters based on what decisions are going to be made here, if any, to everybody who had a decal last year so that they're aware of the change and at the time, probably provide a form that they could fill out and send in with the money. The decal would then be available in the police department, but they'd still have to eyeball the registration to the decal. It's just trying to ease the burden of not being able to give 24-hour service at the police department.

Commissioner Farmer asked if this was a transition period or is this the way it will work? **Commissioner Wootten** replied that they would see how much of it gets done, but that's not a mail-in type thing. We're trying to accommodate folks who can't get to Town Hall. **Commissioner Farmer** said she guessed her other comment about when to start allowing driving on the beach is tough. She appreciates that September is a good fishing month, unfortunately it's also a wonderful beach-going month. When her kids were really little, almost 20 years ago now, that's when we always came down to Emerald Isle. The rents were lower, the weather was gorgeous usually, the water was warm, and cars and kids on a beach don't mix, particularly as our beach gets narrower. That is more and more a problem. She appreciates that it is a good fishing time, too, but something has to give.

Mayor Harris asked Commissioner Wootten to turn to the chart he had on Choice by Location. You give Emerald Isle, Continue, 39%, Change 36%. That's 75%. **Commissioner Wootten** said if he was reading the numbers right, looking at the chart it says how people made their decision of continue, change, or eliminate, and how it was done by location, 39% of the voters of Emerald Isle say continue, make no changes. 25% say eliminate, 36% said continue but we want changes. The question is do you look at this as the glass is half full or half empty. The people who wanted to eliminate it clearly wanted a change, and if you combine that with the 36% who want change, that's where the math that was done comes up with those people want change. You can look at it the other way. 39% don't want to make any changes and some of the ones who want changes are 36% recommended not changing a whole bunch of things. What the committee did was combine the issues that people either didn't want to change anything or wanted to change some things, they took that from the survey. In the cases where people who wanted changes wanted certain things changed and those who might want to eliminate everything, combine those. **Mayor Harris** argued that you can look at it either way. **Commissioner Wootten** said this committee had many, many conversations about that. It depends on what color glasses you have on, and the committee struggled with that and saw it objectively.

Mayor Harris continued with the next chart, When should driving stop, and said she had a question there. The March fourth week, is there a breakdown of residents and non-residents? **Commissioner Wootten** replied that every bar chart could be broken out by where the voters live, at least he could break it out by Emerald Isle, within 50 miles, other North Carolina, and out of state. But we didn't do that because the results don't change. He can say that the first chart, Choices by location, those same percentages will apply, give or take half a percent or a percent, across any other question asked on the survey. **Mayor Harris** confirmed that he did not have a breakdown of residents and non-residents in this. **Commissioner Wootten** said he does on the computer at home, but not on this chart.

Mayor Harris said she feels, being a fisherman family from the 60s, she enjoys night and day, some of the things in here (and she knows they worked very hard) we're charging double fee for less time. \$80 for less time, less hours in the day, September is a fishing time, and you wonder why you need to drive. The fishing are biting here so you go down there. Tomorrow they're up here. If you fish, and you enjoy the fishing, and you have for many years and your family and friends, you go where the fish are and that's why you're on the beach. We're not the only ones. She needs to give her opinions, and she finds discrepancies as she's pointed out in this. She cannot agree with it, you're charging double the fee and less time and September is definitely important. **Commissioner Wootten** reminded her that they're recommendations, not discrepancies.

Motion was made by Commissioner Emily Farmer to change the time

allowable for driving on the beach to October 1 to March 30 or the Thursday preceding Easter weekend, whichever comes first.

Mr. Derek Taylor said he had gone through the ordinance book to identify the specific ordinances, the sections, that would be affected by these things. He recommended that she take the issue of driving period of October 1 to March 30 or the Thursday preceding Easter Sunday, whichever occurs first, as the section to change, 5-22. Commissioner Farmer withdrew the motion and started over.

Motion was made by Commissioner Emily Farmer to change Section 5-22 of the Emerald Isle Town Code as follows: It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes located within the Town between 12:01 A.M. the Thursday before Easter Sunday or March 30, whichever is earlier, and 12:00 midnight on September 30 of each and every year. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

Motion was made by Commissioner Emily Farmer to change Section 5-29 of the Emerald Isle Town Code, Time, Limit for Beach Access Permits to read one half hour before sunrise to one half hour after sunset to be the hours that driving is permitted. Commissioner Emory Trainham seconded and the Board voted unanimously for approval.

Mr. Taylor commented that Section 5-24 will have to be changed for the unique decals for senior citizens, and that's going to take more wording than what you're going to get tonight. He recommended that they ask for a suggestion of wording for that and take it up at the next meeting. He recommended that they table that so he could get the wording. Commissioner Wootten said they needed agreement on the idea. Derek Taylor said he recommended that they call that under Section 5-24.

Motion was made by Commissioner John Wootten that Section 5-24 of the Emerald Isle Town Code be amended to reflect the requirement for unique decals for senior citizens of 65 years older and that the senior citizen who is issued the decal shall be in the vehicle at the time of driving on the beach. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

Mr. Taylor said the fees area, automated decal approval process, and improved enforcement are all things that can be passed as a matter of policy, just a resolution. **Commissioner Farmer** said that the Town Code doesn't specify what the fees are, it just says something that they will be set. She asked if they could agree at this meeting—or disagree—that they will increase the fees. **Mr. Taylor** said the only other thing they might want to consider is a resolution requesting that the Town Manager or whoever you will have do it investigate the proper location for and cost to provide a ramp on the west end of town.

Motion was made by Commissioner John Wootten that the Board instruct the Town Manager to proceed to follow the recommendation of the Beach Committee in regards to automating the decal approval process, relocation of the process from the police station, and to conduct a review in terms of improving enforcement of driving on the beach with the objective of

conducting ramp traffic checks and other areas that are included in the committee report. Commissioner Emily Farmer seconded and the Board voted unanimously for approval.

Commissioner Wootten said he wanted to publicly again acknowledge the folks who were on the committee. These folks didn't know what they were getting into when they volunteered to do this, and they worked hard and pulled a lot of things together and the Town owes them a debt of gratitude for their work. Thank you!

8. NEW BUSINESS

a. DISCUSSION AND POSSIBLE APPOINTMENT OF COMMISSIONER PAT MCELRAFT TO SERVE ON THE CARTERET COUNTY BEACH PRESERVATION TASK FORCE.

Commissioner Farmer explained that on June 15, the Town of Emerald Isle got a request from Bob Murphy, County Manager, asking the Board to appoint someone to the task force. Tom Hoover had been the appointee and did a wonderful job, and this is no reflection on him. We felt that it was important that a Board member be representing the Town.

Motion was made by Commissioner Emily Farmer to appoint Commissioner Pat McElraft to represent us on the Carteret County Beach Preservation Task Force. Commissioner Emory Trainham seconded and the Board voted unanimously for approval.

9. LINE ITEM BUDGET TRANSFERS AND ROUTINE TAX REFUNDS AND RELEASES.

Commissioner Wootten said there were none this month.

Mr. Pete Allen, Town Manager, had some comments. He mentioned the Wachovia leasing arrangement the Town has on vehicles and said he needs official approval from the Board to appoint him to deal with Wachovia on these issues and also we have a letter of counsel that Attorney Taylor will need to sign tonight for that same purpose. It's just a formality but he has to have it in writing.

Motion was made by Commissioner Emory Trainham to appoint Pete Allen, Town Manager, to take care of the Wachovia situation. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

10. COMMENTS FROM THE PUBLIC.

There were no comments from the public.

11. COMMENTS FROM DEPARTMENT HEADS.

Bob Conrad, Public Works, had three items. 1) There has been some major improvements made at the Point; the old ramp, signage has been removed, Parks & Rec are moving their walkway landward, there will be fences and permanent barricades erected; 2) We're getting ready to start

some drainage improvement repairs on Reed Drive probably next week; 3) We're pursuing either emergency vehicle access or public vehicle access somewhere west of the western regional access and the options are not only limited, they're about non-existent. If anybody has any land they'd like to sell, lease, rent, assign an easement to, we'd entertain it.

Ms. Carol Angus, Inspection, said they had seven new dwelling starts for July at a little over \$900,000 of value and we managed to go up over \$1,000,000 with the rest of the permits. She likes to keep it at a bare minimum of \$1,000,000 if she can. The gas station that everybody has been watching should be opening in the next week to 10 days. And she heard some comment about "Where's the hotel?" Come to the Planning Board meetings—you'll learn a lot.

Chief Mark Wilson, Police, said there has been an influx of tourists and the police department gets some complaints about the fire lanes at Food Lion and CVS and the handicapped. They've been writing tickets because you can't park there. He rode by there a couple of times last week and there were no parking spaces in Food Lion parking lot. People were parked at CVS and in front of Food Lion, but these are not \$10 and \$20 tickets that the Town receives the money from that goes to the school fund. These are \$111 tickets that go to Beaufort. He wanted everybody to be aware that they're very expensive tickets. Mayor Harris said she appreciates that because she could not get out at CVS between cars because they were so close.

Chief William Walker, Fire, said the Fire Department would like to thank everybody for giving them last Monday (July 3) off. We had four structure fires and ran 30-some calls on rescues. Commissioner Murphy asked how many water rescues had occurred, and Chief Walker replied around seven. They're going out and finding the rip currents and rough waters and educating the people in that area in time so they're not just riding up and down the beach, they're stopping and showing them the bad places in the water. That's cut down a lot on the water rescues.

Ms. Alesia Sanderson, Parks & Recreation, thanked Mike Stanley for helping out with the fireworks. The Bogue Inlet Pier and Mike himself gave us about \$5,000 and fired the fireworks for us as well, so that's about a \$7,000 value. Without that help and his assistance, we couldn't have had nearly the spectacular show that we had.

Ms. Ceil Saunders, Planning Board, said on June 19, they had the Citgo gas station sent to them because there was a storm water problem which was taken care of. We had Willis Seafood Market, a seafood market that wants to open up on the corner of Emerald Drive and Loblolly and that's still in planning, so we'll do something with that in July. Discussion of wireless communication and Cary Harrison is in charge of this and is doing a really great job, we haven't come to any conclusions, but we're real close.

Ms. Carolyn Custy, Town Clerk, had no comment.

Mr. Derek Taylor, Town Attorney, had no comment.

Mr. Pete Allen, Town Manager, commented in reference to what Bob Conrad was talking about. We still have continuous erosion at the point. It looks like the only temporary alternative to halt that is sandbagging and we have permission to sandbag 100 feet down at the end of Inlet Drive. The adjoining neighbor has permission to sandbag 40 feet in front of his house, and that leaves a 50-foot gap. We would like to get permission to fill that 50-foot gap, but we have to make an application and go through the process of appearing before the Coastal Resources Commission to do that. We'll be doing that July 27 at 8:00, so we still have major problems at the point, but I

wanted everybody to understand that we're working on it.

Mayor Harris said if we see anybody climbing over or behind it to go down at the access before we can get it, please ask them not to do that. They ride bicycles and things like this and each time it did, the sand would go down another foot. This is very, very crucial. We have a serious problem, and if you do see them, just ask them nicely. She has seen the fence and has seen people climbing over it and that's why she made the statement. **Mr. Conrad** said there's a temporary fence up there.

Commissioner Wootten had no comment.

Commissioner Trainham said we had hoped there would be some sign-ins back at the table concerning the problem with the Bogue Field airplanes, and we've gotten quite a few calls and some letters. He mentioned forming a committee to help establish a good relationship, and it is the desire of the mayor that he head up this committee. He won't be chairman of the committee as Mr. Wootten was. He's hoping to get enough members for the committee and he would just try to keep the thing going. We have a lot of problems with the airplanes, and it's been a long-standing thing. To some extent, a lot of people have gotten accustomed to saying, "This is the service, this is the government, we're not going to be able to do anything to alleviate some of the problems." He isn't promising that we'll be able to accomplish anything in particular, but we do want to look at it and work with the new Lieutenant Colonel who has just taken over the job. He's hopeful that he'll have an ear open to some of our problems. Please, if you're at all interested in serving with us, we'd like to name the committee at the July meeting.

Commissioner Farmer had no comment.

Commissioner McElraft had no comment.

Commissioner Murphy reiterated what Commissioner Trainham was talking about. He was in touch with Cherry Point regarding Bogue Field and they were very nice, very responsive, and they got back to him real fast after he had made the call. He would make a recommendation that John or Art get the complaint number for Bogue Field and put it up on the web site if it's not already up there. If you do call that, and there's a certain process that they want you to go through, is to call that number and actually complain. The only problem we're having is that sometimes they fly below the 1000 foot limit, and that does create a lot more noise than if they fly according to the recommendation. So if you follow the process, you'll get an immediate response. He went through the process, he called the number, then that number said to call another person, civilian personnel, who would be the liaison, who immediately got back to me, and then the next day the Lieutenant Colonel also called. They are willing to work with us, they understand that we want our beach to be nice and quiet, but we also know that that's part of the reason we're able to have these meetings. As they say, it's the sound of freedom. Don't be afraid to call and don't be afraid to tell them that you think they're probably not within the 1000-foot limit, and they'll definitely respond back to you.

Commissioner Trainham said we have had quite a few calls about the lateness of their flights. As fall comes along, they probably will have a little more dark time that they can fly. That's the problem which they are faced with—they need night flying and they've been flying until about 11:30 at night and that's just not good. That does not fare very well with people who are on the island.

Mayor Harris reminded the audience that there are sheets back on the table for committee sign-up. We have plenty for the dogs on the beach, she will be assigning that in August, and hopefully the Bogue Field committee. The storm water meeting will be held July 18. Please attend. We are having dinner just for the Board and that committee and then we go into the regular meeting. Mr. Allen needs to know who will be at the dinner. Commissioner Wootten questioned the need to have a dinner but suggested dealing with that offline. Mayor Harris said the workshop for the ordinances is set up for July 13 at 3:30 P.M. here and also July 17 at 3:30 P.M. here.

Motion was made by Commissioner John Wootten to adjourn. Commissioner Jay Murphy seconded and the Board voted unanimously to adjourn.

The meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Carolyn K. Custy
Town Clerk